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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Proceeding	91225902
Party	Defendant 88 East Beverage Company
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Date	06/29/2016
Attachments	Signed Combined RFA - filing copy.pdf(422733 bytes )

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JIM BEAM BRANDS CO.,	
Opposer, )	Opposition No. 91225902 Serial No. 85/893,729
v. )	
88 EAST BEVERAGE COMPANY,	
Applicant.	

COMBINED STIPULATED REQUEST FOR AMENDMENT OF APPLICATION, STIPULATED MOTION TO SUSPEND OPPOSITION PROCEEDING, AND STIPULATED CONDITIONAL MOTION FOR WITHDRAWAL OF OPPOSITION

#### I. Stipulated Request for Amendment

Pursuant to 37 C.F.R. 2.133(a), Applicant hereby files this Stipulated Request for Amendment of Application Serial No. 85/893,729 (the "Application"), with the consent of Opposer, pursuant to the confidential Agreement entered into between the Parties in this matter. Applicant hereby respectfully requests the following amendments to the Application:

<u>Amendment 1</u>: Applicant requests that the identification of goods in Class 33 be amended as follows: "Prepared alcoholic cocktails except beer, whiskey, or prepared alcoholic cocktails containing whiskey."

Amendment 2: Applicant requests that a disclaimer be entered as follows: "No claim is made to the exclusive right to use "GINGER" apart from the mark as shown."

Amendment 3: In the event that Amendment 2 is <u>not</u> accepted by the Trademark Trial and Appeal Board ("Board") and/or the Patent and Trademark Office ("PTO"), as appropriate, Applicant requests that a miscellaneous statement be added to the Application as follows:

"Applicant will not use GINGERHEAD in association with whiskey or prepared alcoholic

cocktails containing whiskey. Applicant makes no claim to the exclusive right to use "GINGER" apart from the mark as shown."

The purpose of the foregoing amendments is to narrow the identification of goods and to narrow and clarify Applicant's rights in the GINGERHEAD mark pursuant to a confidential Agreement with Opposer. The amendments do not affect the substance of the Application but merely serve to narrow the scope of the identification of goods and to narrow and clarify the scope of Applicant's rights to the GINGERHEAD mark. Accordingly, Applicant submits that the amendments can be entered without republication of the Application.

## II. Stipulated Motion to Suspend the Opposition Proceeding

Applicant hereby requests, with the consent of Opposer, that the opposition proceeding be suspended so that the Board and/or the PTO, as appropriate, can evaluate the proposed amendments to the Application.

## III. Stipulated Conditional Motion for Withdrawal of Opposition

Applicant hereby requests, with the consent of Opposer, that Opposer's Opposition filed in connection with the Application be withdrawn conditioned on the Board's and/or the PTO's, as appropriate, acceptance of (a) both Amendment 1 and Amendment 2 together, and/or (b) at least Amendments 1 and 3. The Parties stipulate that the Opposition Proceeding No. 91225902 shall be dismissed, without prejudice, upon the Board's and/or the PTO's acceptance of (a) both Amendment 1 and Amendment 2 together, and/or (b) at least Amendments 1 and 3.

The undersigned consented to all of the foregoing:

Daniel J. Christopherson, Esq.

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Dated:

Claudia W. Stangle, Esq.

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Dated: June 24, 2016